

PLANNING AND ZONING BOARD
JUNE 25, 2003

1. ROLL CALL

The meeting was called to order at 7:00 p.m. Board members present were Chair Mike Bender, Vice-Chair Bob Waitkus, Casey Lee, Scott McLaughlin, and Mimi Turin. Also present were Town Attorney Monroe Kiar, Attorney Andre Park, Planning Supervisor Marcie Nolan and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: May 28, 2003

Ms. Lee made a motion, seconded by Vice-Chair Waitkus, to approve the minutes of May 28, 2003. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Chair Bender asked for a motion to take items 4.6 and 4.5 out of order. Vice-Chair Waitkus so moved, seconded by Mr. McLaughlin. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Variances

4.6 V 5-4-03, Hubert, 5520 SW 38 Court (R-5)

Lisa Hubert, the petitioner, was present. Ms. Nolan read the planning report.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Ms. Lee disclosed that she had spoken with Ms. Hubert regarding this item.

Ms. Lee made a motion, seconded by Vice-Chair Waitkus, to approve. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Waitkus - yes; Ms. Lee - yes; Mr. McLaughlin - no; Ms. Turin - yes. **(Motion carried 4-1)**

4.5 V 1-1-03, BP Products North America, Inc., 4450 University Drive (B-2)

Chair Bender advised that items 4.5 and 3.1 would be heard together.

Rod Feiner, representing the applicant, was present and indicated that he had no objection to presenting these items together. Ms. Nolan read the planning report.

Mr. Feiner provided historical information on how this "legal, non-conforming use" classification of the property evolved. Using a chart and a site plan, he explained the need to replat as well as the intent of the variance request.

Chair Bender asked if anyone wished to speak for or against this item.

Bruce Novak, 4262 SW 78 Drive, indicated that he was representing approximately 30 homeowners and spoke in opposition of the variance. His concerns were that if a significant size complex were to be built, it would change the environment that the neighboring homeowners bought into eight or nine years ago. Mr. Novak was also concerned with additional traffic, reduction of property value, lighting spillage, and noise.

Joe Cosner, 4451 SW 77 Avenue, spoke in opposition of this item due to noise, dumpsters, drainage and lighting. He made some recommendations and asked that the developer meet and work with nearby residents.

As there were no other speakers, the public hearing was closed.

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Mr. Feiner clarified issues raised by Messrs. Novak and Cosner and indicated that he was willing to attend the next homeowner's association meeting. He explained that the issues raised were site plan specific and would be addressed at that stage which he believed would be in approximately two years. Mr. Feiner answered questions posed by Board members.

Ms. Lee made a motion, seconded by Mr. McLaughlin, to approve item 4.5. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Waitkus – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Ms. Turin – yes. **(Motion carried 5-0)**

Chair Bender asked for a motion for item 3.1.

Ms. Lee made a motion, seconded by Mr. McLaughlin, to approve item 3.1. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Waitkus – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Ms. Turin – yes. **(Motion carried 5-0)**

3. PLAT

3.1 P 6-1-02, University Amoco Replat, northeast corner of University Drive and Orange Drive (B-2)

This item was heard earlier in the meeting.

4. PUBLIC HEARINGS

Rezoning

4.1 ZB 3-3-03, Miller Legg & Associates, Inc./Sheridan House, Inc., 1700 Flamingo Road (from AG, Agriculture District to CF, Community Facility District) **(tabled from May 28, 2003)**

Dennis Mele, Bob Barnes and Dawn Sonneborn, representing the applicant, were present. Ms. Nolan read the planning report.

Mr. Mele advised that he would like to make one presentation for both items 4.1 and 4.4, although he understood that they would be voted on separately. The Board agreed and, therefore, Chair Bender asked that Ms. Nolan read the planning report for item 4.4 as well.

Mr. Mele used renderings, conceptual site plans and aerials to provide a thorough presentation. He advised that following this Board's recommendation which was made at the last meeting, the representatives of Sheridan House had met with homeowners on June 14, 2003. While Mr. Mele addressed items regarding zoning uses, the layout of the project, open space and Code requirements, Dr. Barnes explained the operations of Sheridan House, its functions and goals.

Chair Bender asked if anyone wished to speak for or against this item.

Ms. Turin disclosed that she had received an e-mail today regarding this item.

Vice-Chair Waitkus disclosed that he visited the Sheridan House located on West Stirling Road and met Dr. Barnes.

Ms. Lee disclosed that she had received an e-mail today regarding this item.

Chair Bender disclosed that he had spoken with Debbie Camb earlier in the week regarding this item.

Doug Johnson, 1521 SW 120 Terrace, spoke in opposition of this item as he understood it was a “minimum security facility” with a 24-hour guard and guard house to be manned by an off-duty Davie police officer and there would be a chain-link fence surrounding the facility.

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Mr. Johnson contended that this being a 57 acre facility, it would “change the entire flavor” of what homeowners were trying to accomplish in the area. He stated that the maximum parcel size for a residential care facility, except a life-care facility, should be two-and-a-half gross acres in all districts. Mr. Johnson believed that this would adversely affect property values and that neighbors would be compelled to disclose this to potential buyers should they want to sell their property.

Larry Davis, 10901 SW 42 Place, was opposed because of the 57 prime acres which would be tax exempt.

Jim Davidson, 4306 Cleveland Street, named the schools where he had been principal and indicated that it was his privilege to work with the children who came to his schools from Sheridan House. He explained why the system worked so well and that the image being perpetrated here that these students were criminals, was incorrect. Mr. Davidson maintained that the problems occurring in today’s single-family homes were being solved by Sheridan House’s programs.

John Kelly, 12025 SW 22 Court, spoke in opposition.

George Pearson, 11975 SW 15 Court, spoke in opposition and asked what would happen to the site if Sheridan House was not successful.

Randell Baisden, 11841 Ashford Lane, spoke in opposition. He referenced a previous staff report which he believed was incorrect and unsupported. Mr. Baisden substantiated his argument by comparing the original staff report with the report presented tonight.

Cristia Hewlett, 11932 SW 11 Court, spoke in favor.

Deborah Tam, 1540 SW 119 Terrace, spoke in opposition.

William Hewlett, 11932 SW 11 Court, spoke in favor.

Harry Schaefer, 4940 SW 61 Avenue, spoke in favor.

Douglas Devault, 1611 NE 50 Court, spoke in favor and presented his son, Brian, who benefited from the program.

Eugene Lee, 11945 SW 15 Court, spoke in opposition.

Greg Tait, 11041 Ashford Lane, spoke in favor.

Ruth Dreyer, 11555 SW 21 Court, spoke in opposition.

Tom Korynta, 1541 SW 119 Terrace, spoke in opposition.

Barry Chandler, 11750 SW 22 Court, spoke in opposition.

Danna McDonald, 10701 SW 29 Place, spoke in favor.

Tom Frazer, 12710 SW 34 Place, spoke in opposition.

Stephen Fink, 14105 Sheridan Street, spoke in favor.

Mitch Topal, 12720 SW 13 Manor, spoke in opposition.

Linda Altschuler, 11640 SW 37 Court, spoke in opposition.

Pete Giraud, 11965 SW 15 Court, spoke in opposition and spoke of the 32 Broward Sheriff’s Office calls that had been made to the facility over a two-year period.

Patti Giraud, 11965 SW 15 Court, spoke in opposition.

John Tweeton, 1740 SW 120 Terrace, spoke in opposition.

Paul Hardin, 9625 E Tree Tops Court, spoke in favor.

Nancy Weiss, 11940 SW 16 Court, spoke in favor.
Alec Messeroff, 807 SW 119 Way, spoke in opposition.
Felix Bramen, 2130 SW 119 Terrace, spoke in opposition.
Linda Greck, 3121 SW 116 Avenue, spoke in opposition.

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Richard Dougherty, 3500 SW 117 Avenue, spoke in opposition.
Terry Mullin, 1621 SW 119 Terrace, spoke in opposition.
Mark Friedman, 11857 SW 8 Court, spoke in opposition.
Debbie Breslauer, 1720 SW 120 Terrace, spoke in opposition.
Bill Hennessy, 11700 SW 20 Street, spoke in favor.
Mike Breslauer, 1720 SW 120 Terrace, spoke in opposition.
Donna Mallion, 12680 SW 34 Place, spoke in opposition.
Laura DellaPenta, 12900 SW 13 Manor, spoke in opposition.
Denise Wincapaw, 1920 SW 117 Ave, spoke in opposition.
Grace Upshaw, 9310 SW 23 Street, spoke in favor.
Sam Rich, 11791 SW 25 Street, spoke in opposition.
Rick Hornsby, 3991 E Ridgeview Drive, spoke in favor.
Kathy Tibbetts, 2730 S Hiatus Road, spoke in opposition.
David Tibbetts, 2730 S Hiatus Road, spoke in opposition.
June Connors, 1701 SW 127 Avenue, spoke in opposition
Bob Gossett, 3900 SW 56 Street, spoke in favor.
Scott Brandon, 886 SW 120 Way, spoke in favor.
Tom Taggart, 3290 SW 139 Terrace, spoke in favor.
Bill Stalions, 9607 Sugar Pines Court, spoke in favor.
Lyle Feinstein, 12040 SW 22 Court, spoke in opposition.
Robert Yerby, 2350 Kensington Boulevard, spoke in opposition.
Paul Combs, 1521 SW 119 Terrace, spoke in opposition.
As there were no other speakers, the public hearing was closed.

Mr. Mele addressed issues that had been raised by those speakers who indicated that they were opposed to this item. Those issues were: tax exemptions; impact on schools; equestrian trail easement; property values as evidenced by neighbors of current Sheridan House facilities; the reason a gate house was needed; the police log calls from the Broward Sheriff's Office; and the site plan and building phases. Mr. Mele spoke of the circumstances to which Sheridan House would provide deed restrictions as well as the financial status of the applicant. He answered questions posed by the Board.

Board members expressed their opinions.

Ms. Lee made a motion, seconded by Vice-Chair Waitkus, to approve. In a roll call vote, the vote was as follows: Chair Bender - no; Vice-Chair Waitkus - yes; Ms. Lee - yes; Mr. McLaughlin - no; Ms. Turin - no. **(Motion failed to carry 2-3)**

Mr. McLaughlin made a motion, seconded by Ms. Turin, to deny item 4.4. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Waitkus - no; Ms. Lee - no; Mr. McLaughlin - yes; Ms. Turin - yes. **(Motion carried 3-2)**

For the purpose of clarification, Ms. Turin made a motion, seconded by Mr. McLaughlin, to deny the rezoning [item 4.1]. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Waitkus – no; Ms. Lee – no; Mr. McLaughlin – yes; Ms. Turin – yes. **(Motion carried 3-2)**

The Board recessed at 11:11 p.m. and reconvened at 11:22 p.m.

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4.2 ZB 11-1-02, Laystrom/College Business Park, L.L.C., 6200 Nova Drive (from M-4 to BP)

Mr. McLaughlin noticed a typographical error on the agenda to which Ms. Gale responded would be corrected.

As the applicant was not present, Mr. McLaughlin made a motion, seconded by Ms. Turin, to table to July 9, 2003. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4.3 ZB 3-4-03, Merlo/Davie Road, LLC, 7901 Davie Road Extension (from B-2 to RM-10)

Jose Merlo and Hector Vinas, representing the petitioner, were present. Ms. Nolan read the planning report.

Using a conceptual site plan, Mr. Merlo provided a presentation and better explained the intent of the project. He answered questions posed by Board members.

Chair Bender asked if anyone wished to speak for or against this item.

Alan Weinger, 7777 Davie Road Extension, was opposed to this rezoning request and he explained his reasoning.

As there were no other speakers, the public hearing was closed.

A lengthy discussion ensued among Board members who expressed concerns with the density of the project, their reluctance to give up the zoned B-2 property for a residential use, and the inconsistency of this use in the vicinity along this corridor.

Dr. Vinas embellished on the concept of the project and explained that this was a location where moderately priced homes could be built reasonably and enhance the community.

Mr. McLaughlin made a motion, seconded by Ms. Turin, to deny. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Waitkus – yes; Ms. Lee – no; Mr. McLaughlin – yes; Ms. Turin – yes. **(Motion carried 4-1)**

Special Permit

4.4 SE 1-1-03, Miller, Legg & Associates, Inc./Sheridan House, 1700 Flamingo Road (AG) **(tabled from May 28, 2003)**

This item was denied earlier in the meeting.

5. OLD BUSINESS

There was no old business discussed.

6. NEW BUSINESS

There was no new business discussed.

7. COMMENTS AND/OR SUGGESTIONS

Mr. McLaughlin suggested that as a time saver, there be a separate arrangement for speakers to "sign-in" prior to approaching the lectern.

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8. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 12:00 a.m.

Date Approved _____

Chair/Board Member